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PATENT  
Customer No. 22,852

Attorney Docket No. 7579.0016-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Andrew HEATON et al. ) Group Art Unit: 1626  
)  
Serial No.: 10/070,361 ) Examiner: E. O. SACKY  
)  
International Filing Date: September 6, 2000 )  
Date of satisfaction of § 371(c) )  
Requirements: July 8, 2002 )  
)  
For: COMPOSITIONS AND THERAPEUTIC )  
METHODS INVOLVING ISOFLAVONES )  
AND ANALOGUES THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE REGARDING RELATED LITIGATION**

Applicants hereby notify the U.S. Patent and Trademark Office that a patent possibly related to the present application is involved in litigation. The present application, U.S. Serial No. 10/070,361, was filed as PCT/AU00/01056 on September 6, 2000, and entered the national stage on July 8, 2002. The patent in suit, U.S. Patent No. 6,562,380, issued from U.S. application Serial No. 08/910,837 on May 13, 2003, and was originally filed on August 13, 1997, as a continuation of U.S. Application Serial No. 08/338,567, filed January 12, 1995, now U.S. Patent No. 5,830,887. Although the instant application and the patent in suit do not share a common specification or overlapping claims to priority, in the utmost of caution, the Applicants submit this notice in the event that the disclosures in the respective specifications would be considered related. Application Serial Nos. 10/070,361; 08/910,837; and 08/338,567 are assigned to Novogen Pty. Ltd. ("Novogen").

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**STATUS OF RELATED LITIGATION**

On June 3, 2003, Solae, L.L.C. ("Solae") filed a Complaint alleging that Archer Daniels Midland Company ("ADM") and Amerifit Nutrition, Inc. ("Amerifit") infringe at least one claim of U.S. Patent No. 6,562,380. The case, Civil Case No. 03-CV-732, was filed in U.S. District Court for the Eastern District of Missouri. The undersigned believes that Solae is the exclusive licensee of U.S. Patent No. 6,562,380 for products containing soy-derived isoflavones.

On June 23, 2003, ADM filed a Motion for extension of time to answer the Complaint until July 3, 2003. On June 26, 2003, the judge granted the Motion for extension of time to answer the complaint until July 3, 2003. On June 30, 2003, Amerifit filed a motion for extension of time to respond to the Complaint up to and including July 14, 2003. On July 3, 2003, ADM filed a motion to dismiss. On July 11, 2003, Amerifit filed a motion to dismiss. On August 11, 2003, Solae filed a response to the motions to dismiss. On August 14, 2003, Amerifit and ADM filed replies to Solae's response to the motions to dismiss. On August 26, 2003, Solae file a sur-reply to the motion to dismiss.

**REMARKS**

Further to this Notice Regarding Related Litigation, the Applicant submits a copy of the Complaint and a copy of the docket for Civil Case No. 03-CV-732, as of August 27, 2003.

If there are any fees due with the filing of this Notice not already accounted for, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Deborah J. Acker  
Deborah J. Acker  
Reg. No. 48,916

Dated: September 10, 2003